

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CERTAINTEED CORPORATION : CIVIL ACTION

V. :

BOISE CASCADE CORPORATION : NO. 02-2677

O R D E R

**AND NOW**, this 14th day of May, 2004, upon consideration of Certainteed's motion to amend in order to have the court certify an immediate interlocutory appeal and to stay proceedings pending the Third Circuit's decision and defendant's response, and after conference with counsel, **IT IS HEREBY ORDERED** that the motion is **DENIED** as premature without prejudice to the right of the plaintiff to renew the same after disposition of defendant's forthcoming motion for summary judgment on the common law claim.

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William H. Yohn, Jr., Judge